
DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

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AGE

GENERAL RULE: There are no age requirements for the caretaker relative. The dependent child must be:

1. under the age of 18, or if 18 years of age, they must be a full time student in a high school (or in the equivalent level of vocational or technical training), or

NOTE: A college student may be eligible as a dependent child until their 18th birthday.

NOTE: A child is considered a full time student if enrolled in and attending a program of study or training leading to a high school diploma. Full time status is as determined by the school.

REMINDER: Medicaid coverage is determined separately.

2. if 19 to 21 years old, they must be in high school. (Or in the equivalent level of vocational or technical training).

NOTE: When the student on the TANF or PaS grant becomes 19 , they are not eligible for the Federally funded program. They must be coded S to become State funded until they graduate or become 21 years old, whichever is first.

REMINDER: Medicaid eligibility is determined separately.

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RESIDENCE

GENERAL RULE: All recipients must be living in Maine voluntarily with the intent to make Maine their home.

Individuals here for vacations or other temporary visits are not considered residents.

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CITIZENSHIP

GENERAL RULE: All recipients must be U.S. citizens, aliens lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law.

NOTE: Aliens legally admitted on a temporary basis such as visitors, travelers, crewmen on shore leave, foreign students, and members of the foreign press, radio, etc. are not eligible for assistance, even if they have authorization to work.

NOTE: The Jay Treaty of 1794 recognizes the aboriginal right of Native Americans to pass the border of the U.S. and Canada. When a Native American with Canadian citizenship moves to Maine, the Department will recognize them as lawfully admitted for permanent residence.

Each member of a household applying for TANF and PaS must declare their citizenship or legal immigration status in writing. An adult household member can make this declaration for the entire assistance unit.

NOTE: States are required to report to Immigration and Naturalization Services an individual who the State knows is unlawfully in the U.S. Generally, staff will not know this. Failure to provide an identification card from INS may make a client ineligible for our programs, but it is not proof of an unlawful status.

INS has not developed official reporting procedures for this requirement. When staff learn that an individual is unlawfully in the U.S., provide the TANF Program Manager with the individual's name and address along with proof that the individual is here unlawfully.

Failure to declare citizenship or legal immigration status causes ineligibility for the individual. If it is the parent of a one parent household, the parent is ineligible and the household is paid under a child-only standard. If the parent refuses to sign for a child, the child is ineligible. The same is true for stepparents and other caretaker relatives unless they choose to be excluded. For grant calculation and special procedures see Chapter III.

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CITIZENSHIP (Cont.)

When a child must be sanctioned, the child's income and assets are no longer considered available to the filing unit. The child is no longer considered a family member when determining the 185% income limit.

All legally admitted aliens must provide documents to prove their status.

Questionable citizenship must be explained to the agency's satisfaction.

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SOCIAL SECURITY NUMBERS

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GENERAL RULE: All individuals applying for or receiving TANF or PaS must furnish the agency with a Social Security Number or proof of application for a Number and furnish the Number when received.

NOTE: All Social Security Numbers must be verified either by the recipient or through the computer verification system.

When requirements for a newborn child are completed by the 1st day of the second month following the month the child's mother is discharged from the hospital, benefits can be backdated to the date of application.

Failure to Provide Proof of Application:

When an individual fails to apply for a Social Security Number or furnish the Number when received, benefits shall be withheld or terminated for the individual without a Number. That individual's income, assets, and needs, will not be included.

When the individual is a stepparent, treat as an excluded stepparent (See Chapter III.

When all of the children do not have a Social Security Number or proof of application of a Social Security Number, the household is ineligible. There are no eligible children.

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RELATIONSHIP AND MAINTENANCE OF A HOME

GENERAL RULE: A child must be living with a caretaker relative in a home maintained by the relative. This arrangement must be expected to continue at least 30 days beyond the date of application.

Caretaker relatives who may apply for and receive assistance on behalf of the child are:

1. natural father, mother, brother, sister (including those of half-blood relationship);

NOTE: A natural parent is a blood relative.

NOTE: Proof of natural parent may be:

- the name on the birth certificate,
- a notarized Acknowledgement of Paternity form,
- a Court Order finding paternity, or
- a blood or tissue test when the genetic testing indicates a 97% or greater probability that the alleged parent is a natural parent.

When there is a conflict between the legal and natural father, an acceptable resolution is a blood or tissue test. If the results of the genetic testing indicates that there is a 97% or greater probability that the presumed father is the natural father, the presumed father is considered the natural father notwithstanding any other evidence of paternity.

When paternity has not been established, an Affirmation of Paternity must be completed and signed by the child's mother unless good cause exists as described at Chapter II, Assignment of Rights to Support. Affirmation is only a claim that someone may be the child's father. It is not proof of paternity. (See Chapter II, Paternity Establishment.)

2. natural grandfather, grandmother, uncle, aunt or the same relatives of preceding generations as denoted by prefixes of great grand and great great, or first cousin, first cousin once removed, nephew or niece (see chart in Appendix);

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RELATIONSHIP AND MAINTENANCE OF A HOME (con't)

NOTE: A first cousin once removed is a child of one's first cousin.

3. adoptive father, mother, brother or sister;
4. adoptive grandfather, grandmother, uncle or aunt for an adopted parent's child;
5. stepmother, stepfather, stepbrother or stepsister;
6. the spouses of any persons in the above groups, even though the marriage is terminated by death or divorce.

Relatives are considered to be maintaining a home if the children they are applying for are living with them regardless of court actions about legal custody with the following exceptions:

1. When an out-of-state agency places children with relatives in Maine under the Interstate Compact on Placement of Children, that agency will continue to be completely responsible for the children during the placement period. These children are therefore not eligible for TANF or PaS in Maine.
2. A child and caretaker relative may be physically separated and still remain eligible for benefits provided the caretaker relative has full responsibility for the supervision and guidance of the child, offers the child a home during vacation and any delegation of authority is temporary, voluntary and revocable. The child or caretaker relative must return home at the completion of the reason for separation unless there is good cause for the person to be out of the home.

The following are some examples of situations when the child or caretaker relative may be absent for more than 45 days.

- a. to secure education when high school facilities are not maintained in their area of residence or when existing facilities do not meet their educational and/or social needs.

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RELATIONSHIP AND MAINTENANCE OF A HOME (cont.)

- b. to secure therapy in a private treatment center such as Sweetser Home because of physical/emotional problems;
- c. to attend Governor Baxter State School for the Deaf provided there are no services available in the child's own community;
- d. to attend a vocational, technical school, college, or university until their 18th birthday;

NOTE: The age limitation applies to the child.

- e. to obtain care for a terminal illness which will probably stop eventual return to the home, although if possible the individual would do so;
- f. to voluntarily place a child in an approved foster home when the plan is to return the child and when there is no foster care payment being made for that child;
- g. rarely when temporary separation occurs due to moving or visiting.

NOTE: Children or caretaker relatives in public institutions are not eligible.

NOTE: Within 5 days of the date that it becomes clear to a parent or other caretaker relative that a minor will be absent from the home for 45 days or longer, the parent or other caretaker relative must notify the Department of the absence of the minor child from the home. Failure to notify the Department within the specified time frame will result in the removal of the parent or caretaker relative from the grant.

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None

DEPRIVATION

GENERAL RULE: To be eligible for TANF or PaS a child must be expected to be deprived of the care and support of a natural or adoptive parent for at least 30 days beyond the date of application.

Reasons for Deprivation:

1. Death
2. Continued absence from the home

The continued absence must interrupt the parent's functioning as a provider of maintenance, physical care and guidance for the child.

NOTE: Deprivation exists when paternity has not yet been established.

NOTE: Deprivation does not exist when absence is due to employment or collusion of the parents with no intent to disrupt the parental role.

Special Provision: Continued absence exists when a parent is under sentence of a court and living at home provided:

- a. the sentence requires the parent to perform public work or community service during work hours,
- b. the individual is permitted to serve sentence at home.

Under this provision the income, assets and needs of the sentenced parent will not be included. DSER referral will be made as in any other case of continued absence.

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DEPRIVATION (con't.)

Joint Custody

This involves a child who is in the physical custody of and lives in the home of each parent for portions of each month. In such cases, the Worker has to determine whether or not each parent is providing maintenance, physical care, and guidance for the child. When they are, deprivation based on continued absence does not exist. It is not a determination of the percentage of time the child spends in each home as much as it is a determination of each parent's responsibility for the maintenance, care, and guidance of the child.

NOTE: A court order awarding joint custody is not sufficient to determine that there is no deprivation based on continued absence. Each case must be explored to determine the extent of care and support that each parent provides.

NOTE: Should one parent of a joint custody arrangement become disabled to the extent that their ability to support or care for the child is reduced substantially or eliminated, deprivation may exist.

NOTE: When Unemployed Parent is the reason for deprivation, both parents must live in the home with the child.

3. Physical or mental incapacity

Medical and social information must show that incapacity substantially reduces or eliminates the ability of a parent to support or care for a child. Receipt of SSI, Social Security Disability, Railroad Retirement Disability, or Medicaid based on a Medical Review Team decision is proof of incapacity.

NOTE: Social information must include age, education and work history.

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Presumptive Eligibility

Presumptive eligibility is a decision that the family meets the qualifications for incapacity.

Eligibility Staff will ask applicants and recipients to get a statement from an acceptable medical source (See page 11.) which provides a diagnosis and prognosis, including the length of time the individual cannot perform parental duties or be involved in work activities.

When provided, this medical statement will be sent to the Medical Review Team (MRT) immediately so it can be used by MRT Staff as a basis for determining eligibility. The determination will be valid for the length of time indicated in the original medical statement, or the medical review date, or the time that the medical source indicates that the incapacity no longer exists, whichever comes first.

The medical statement does not eliminate the need for the Disability Application for Medicaid or TANF. The Disability Application will be used by MRT Staff to determine continued eligibility based on physical or mental incapacity.

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DEPRIVATION (cont.)

When Disability Workers are determining an individual's incapacity based on a diagnosis of alcoholism or drug abuse, they must also consider the doctor's prognosis. The prognosis must explain how the individual's current condition substantially reduces or eliminates the parental role and must predict how long the condition is expected to last.

NOTE: Even though an individual may enter a treatment facility for less than 30 days, the physician's prognosis may indicate the dysfunction continues beyond the treatment program.

NOTE: Although alcoholism and drug abuse are recognized illnesses, when the illnesses are under control, they do not always interfere with the individual's ability to support or care for the otherwise eligible child.

Acceptable Medical Sources:

- a. Licensed physicians (including physician's assistants and nurse practitioners with the co-signature of a physician, and advanced practice registered nurses with proof that a licensed physician delegated authority to perform the medical diagnosis.)
- b. Licensed osteopaths,
- c. Licensed and certified psychologists,
- d. Licensed optometrist for the measurement of visual acuity and visual fields,
- e. Persons authorized to provide copies or summaries of medical records of medical institutions.

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DEPRIVATION (cont.)

NOTE: Information from other sources may be used to help understand how the impairment effects the ability of the individual to work. This includes:

- Public and private social welfare agencies
- Observations from non-medical sources
- Other practitioners such as chiropractor, audiologists, naturopaths

None

Determination of ability to support:

Medical and social information must show that the incapacity prevents the individual from working within their capabilities 20 hours or more per week. The job opportunity must be present in the immediate area. The following work activities are not considered as evidence of employability and will not be counted in the 20 hour per week determination:

- a. those offered out of sympathy,
- b. those made possible by an abnormal amount of supervision,
- c. those prescribed as part of an occupational therapy or vocational rehabilitation plan,
- d. those considered as a hobby.

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DEPRIVATION (cont.)

Determination of ability to care:

Medical and social information must show that the incapacity prevents the individual from performing two or more of the following tasks without considerable help:

- a. shopping for food and supplies,
- b. preparing meals and washing dishes,
- c. doing laundry and managing the household,
- d. supervising the children.

NOTE: This information must include the source and the amount of help needed in providing the above tasks.

Other factors to be considered:

Incapacity must be reviewed as indicated by medical records. If a displayed activity is contradictory to the medical evidence, consultation with the physician and the individual will be necessary.

The disabled individual is required to accept medical or rehabilitative treatment recommended by the physician provided:

None

- a. the treatment is available in the individual's geographic area and covered by Medicaid; or
- b. the service is available through the Bureau of Rehabilitation; or
- c. the treatment is not against the individual's religious beliefs; or
- d. the individual does not have reasonable fears of the results of the treatment.

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DEPRIVATION (cont.)

When the individual is engaged in a program through the Bureau of Rehabilitation with a completed plan directed at specific goals, deprivation will exist until the goals are met or for 12 months after disability no longer exists, whichever comes first. There is no extended eligibility when an individual is known to the Bureau of Rehabilitation with no completed plan.

In order to extend eligibility, the plan must be coded as one of the following:

- Status - 12 Vocational Rehabilitation Plan completed;
- Status - 14 Counseling and Guidance;
- Status - 16 Physical or mental restoration;
- Status - 10 Only under the condition that a plan with established goals is completed in this category.

Plans, changes in plans, and progress reports will be made available to the Bureau of Family Independence.

4. Unemployment of Parent

When there is no other basis for deprivation and both natural or adoptive parents are present in the home in which the child is living, the designated unemployed parent (UP) must meet the required eligibility factors.

Principal Wage Earner

The UP must qualify as the principal wage earner (PWE). The PWE is the parent who has earned the most money in the 24 month period immediately preceding the month of application. Designation of the PWE is based on the best evidence of earnings available for both parents, regardless of when their relationship began. If the parents have equal earnings, the Eligibility Worker will designate the PWE. The designated PWE remains unchanged as long as the eligibility continues.

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None

DEPRIVATION (cont.)

Unemployment

The PWE must have worked less than 100 hours within the 30 day period prior to the date of application or eligibility, whichever comes later; and must expect to work less than 130 hours in the next 30 days and subsequent 30 day periods. This includes self-employed individuals.

NOTE: The 100 and 130 hour standard may have been exceeded in the 30 day prior period if caused by a temporary situation and evidence shows that the PWE has been regularly employed less than the 100 or 130 hour standard as appropriate.

Occasional lost time due to weather conditions does not lessen the hours count if the PWE otherwise would have been at work.

NOTE: Registrants in OJT placements are considered employed and are subject to the same 100 and 130 hour standards.

SPECIFIC FACTORS TO BE MET FOR TANF/UP

The PWE must:

- a. have had 6 or more quarters of work in any 13 calendar quarter period ending within one year prior to application for assistance.

or

- b. have received or been qualified to receive unemployment benefits within one year prior to application for assistance.

NOTE: The following qualifies as a quarter of work:

- 1. \$50.00 or more of earnings in any calendar quarter ending March 31, June 30, September 30, or December 31,

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DEPRIVATION (cont.)

2. participation in the ASPIRE-TANF program;
3. any quarter credited as a quarter of coverage under the Social Security Program.

None

- c. apply for and accept unemployment benefits (UIB) if eligible.

NOTE: Application for UIB must be reviewed at least every six months.

NOTE: UIB of the PWE is subtracted from the Standard of Need as any other unearned income would be subtracted.

- d. be participating in the ASPIRE-TANF program unless otherwise exempt.

- e. not have quit employment or refused an offer of employment or training within the 30 days prior to application, without good cause.

NOTE: Once the individual is receiving TANF or PaS and is a mandatory ASPIRE-TANF participant, the ASPIRE-TANF rules are enforced.

When the worker determines that the PWE quit employment or refused an offer, the PWE shall be given an opportunity to claim good cause.

Examples of Good Cause are:

1. wages are less than the minimum wage or not customary for the work performed;

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DEPRIVATION (cont.)

2. physical inability to perform the work, lack of transportation to the job or training site, unreasonable working conditions, or lack of Worker's Compensation protection;

NOTE: Participation in a strike does not constitute good cause.

When an employment offer is made through the ASPIRE-TANF Program, that Program will determine if the offer was bona fide or the refusal was for good cause.

NOTE: The PWE is ineligible if factors in c., d and e. are not met on a continuous basis. The second adult is also ineligible unless participating in ASPIRE-TANF or meeting an exemption criteria. (See ASPIRE-TANF exemptions in Chapter II.)

None

5. Pregnancy :

A pregnant individual who has no other eligible children receiving TANF or PaS in her household is potentially eligible for an adult payment starting with the sixth month of pregnancy.

NOTE: If the expected date of delivery is December, payment can begin September 1.

The pregnancy must be verified by a medical statement with the expected date of birth.

NOTE: A late birth will not create an overpayment.

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DEPRIVATION (cont.)

Eligible Individuals:

1. A pregnant adult who has no other eligible children in her household.
2. A pregnant minor who has no other eligible children in the household.

NOTE: She may be living with siblings.

When the siblings are not receiving TANF and PaS or not otherwise eligible (haven't applied for TANF), the pregnant minor can receive an adult grant of her own.

When the siblings are on TANF and PaS or are otherwise eligible (pending application which meets all non-financial eligibility criteria), the pregnant minor would be drawn into the sibling's TANF and PaS grant by the filing unit rule.

Eligibility begins when all eligibility factors are met for all individuals in the household who would be included in the assistance unit once the child is born.

NOTE: When the pregnant woman is married to and living with the father of the unborn child, deprivation of disability or unemployment must exist in order for her to be eligible.

NOTE: When the pregnant woman is living with her boyfriend, the boyfriend is not recognized as the father of the unborn child until paternity is established.

As a condition of eligibility the applicant must assign any rights of support to the Department, and all provisions and sanctions relative to the Assignment of Rights of Support apply.

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DEPRIVATION (cont.)

Countable Income:

1. The income of a pregnant adult or minor is counted.
2. The pregnant minor's parent's income is deemed to her using the same budget as used for excluded stepparent. (See Chapter III, Stepparent Income)
3. The spouse's income is deemed to the pregnant individual also using the excluded stepparent budget.

Eligibility ends under the Pregnancy Program with the birth of the child. The Worker shall then determine eligibility based on the newborn's deprivation.

6. Minor Parents: A minor parent is an individual under 18 years old who has a child living in the same household or a minor who is eligible for assistance paid under the State's pregnancy program.

When a minor parent is caring for (parenting) her child she must apply for TANF or PaS as a caretaker relative.

NOTE: When the minor parent is deprived and lives with siblings who are receiving or otherwise eligible to receive TANF or PaS, she must be included in the assistance unit with the siblings but her income is treated as an adult's.

When a minor parent is not caring for (parenting) her child, her parent(s) or caretaker relative(s) must apply for her and her child.

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DEPRIVATION (cont.)

NOTE: In this instance the minor parent is considered a dependent child and her income is treated as such.

As a condition of eligibility the unmarried minor parent or pregnant minor must be living with her parent, legal guardian or other adult relative of that minor parent or in an adult-supervised supportive living arrangement unless one of the following good cause reasons exists.

1. The individual has no living parent;
2. Neither of the parent's whereabouts is known;
3. No parent will permit the individual to live with them;
4. The Department has determined that the physical or emotional health or safety of the minor parent or her child would be jeopardized if they live with the parent(s);
5. The minor parent has lived apart from her parent(s) for at least a year prior to the child's birth;
6. The minor parent has another good cause for not residing with either parent. This exception must be approved by the TANF or PaS Supervisor or Program Manager.

NOTE; An adult relative is a specified relative who is at least 18 years old.

NOTE; An adult-supervised supportive living arrangement is a certified or state-approved setting (other than a public institution) in which a minor receives counseling, supervision, guidance or other support services in addition to food and shelter.

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DEPRIVATION (cont.)

The Department will assist the minor in obtaining material necessary to demonstrate good cause. The same evidence used as good cause criteria for non-cooperation with the DSER can be used. A minor's affidavit is acceptable evidence on good cause claims of child abuse.

NOTE: Legal emancipation is not a reason in and of itself for good cause for not living with her parents. However, the reason for the court's decision may be good cause and must be explored.

Minor Parent or Pregnant Minor's Income: When the minor's parent(s) are included, all their income is counted. When the minor's parent(s) are excluded, their income is partially counted. Use the formula explained for stepparent deeming at Chapter III, to deem income from the excluded parent(s).

NOTE: An excluded stepparent's income is not deemed to the minor parent or pregnant minor. However, when the minor parent is included in the grant, there is spousal deeming from the nonessential stepparent to the minor parent's parent. Use the stepparent deeming formula at Chapter III,

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FILING UNIT

GENERAL RULE: The parent(s), siblings and half siblings of dependent children living in the same home and otherwise eligible, must be included as members of the filing unit. A caretaker relative other than a parent may choose to be included.

NOTE: Otherwise eligible - an individual who meets all non-financial eligibility requirements such as deprivation, age, Social Security Number, citizenship, etc.

When an individual is required to be in more than one unit, the units must be consolidated.

Benefits cannot be received for an individual in more than one filing unit for the same period.

NOTE: When a child who has previously received benefits changes households, the new caretaker relative cannot receive benefits while the child remains eligible in the previous household.

Stepbrothers and stepsisters are required to be included when there is a mutual child in the home and either parent qualifies as unemployed or disabled.

NOTE: Individuals who are required to be included and who fail to provide information necessary to determine eligibility make the entire unit ineligible.

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FILING UNIT (cont.)

Voluntary/Mandatory Exclusion:

1. Supplemental Security Income (SSI), Foster Care, or Adoption Assistance: An individual eligible for SSI, Foster Care or Adoption Assistance benefits may choose to receive SSI or Foster Care or Adoption Assistance benefits or TANF or PaS, but cannot receive both SSI and TANF or PaS or foster care, or Adoption Assistance benefits and TANF or PaS. When an individual chooses to receive SSI or Foster Care or Adoption Assistance benefits, their needs, income and assets will not be considered when determining eligibility for the remaining filing unit members.

If a child chooses to receive SSI or foster care or Adoption Assistance benefits, the otherwise eligible caretaker relative may receive TANF or PaS. In this instance other eligible children in the home need not be included.

NOTE: An SSI eligible individual with a 1619(b)(1) status is considered an SSI recipient even when they do not receive an SSI payment.

2. Foster Care or Adoption Assistance: When the caretaker relative or the child(ren's) needs are being met by a Foster Care payment whether from federal, state or local funds, their needs shall not be included in the assistance unit. Neither the caretaker or child(ren) is considered a family member in determining the 185% income limit.

NOTE: A child whose minor parent is maintained by a foster care payment is not eligible for TANF or PaS if both are residing in a licensed facility. In those instances the foster care program must provide for the child as well as the minor parent.

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FILING UNIT (cont.)

3. Caretaker Relatives: Caretaker relatives other than parents and their spouse may choose whether to be included or excluded.

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FILING UNIT (cont.)

When caretaker relatives and their spouses are included, their income and assets are considered as if they were parents.

Reminder : Included individuals are subject to ASPIRE-TANF work requirements, unless otherwise exempt.

When caretaker relatives other than parents are both excluded, their income and assets are not considered.

When the spouse is excluded and the caretaker relative is included, the assets of the spouse are not considered; however, income is counted as described for stepparents in Chapter III.

When caretaker relatives are excluded but claim the children as dependents for income tax purposes, they are acknowledging that they meet at least half of the child's needs. Therefore, the benefit level will be determined using half of the appropriate full need standard for the child as countable unearned income (see chart for no adult included).

4. Stepparents: Stepparents may choose to be included or excluded unless applying for their own children or a mutual child living in their home draws them in to the filing unit per the general filing unit rule.

When applying for their own children, or when drawn into a filing unit by a mutual child the stepparent must be included.

When a stepparent is included, income and assets are counted as for any other filing unit member. When excluded, assets are not considered; however, income is counted as described in Chapter III.

Reminder: Included individuals are subject to ASPIRE-TANF work requirements.

When a stepparent chooses to be excluded, no allocation can be made from the spouse for their needs.

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FILING UNIT (cont.)

5. Stepbrothers/Stepsisters: Stepbrothers or stepsisters may choose whether to be included in the filing unit when there is no mutual child who is deprived.

When included, their income and assets are counted as for other children in the filing unit.

When excluded, their income and assets shall be considered for their own needs.

6. Minor Parents: A minor parent is an individual who is under the age of 18, and has a dependent child.

When the minor parent is deprived, their parent(s) must be included when they are functioning as the caretaker relatives of the minor parent and child.

When included, income and assets are considered as for any other included parents.

When excluded, assets are not considered; however, income including lump sum income is counted as described for excluded stepparents in Chapter III .

NOTE: Any legal guardian who is not a specified relative shall not be included. The legal guardian's contributions are counted as any other unearned income.

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FILING UNIT (cont.)

7. Strikers: Individuals participating in a strike on the last day of the month are not eligible

NOTE: Participation in a strike includes individuals who are absent from work during the strike period without good cause.

An individual may be absent for good cause provided the reason for absence is vacation, illness or emergency which began prior to the strike and continued into the strike period as long as the intent is to return to work whether or not the strike continues. Good cause may also exist if they can demonstrate that return to work would jeopardize their health and safety.

NOTE: An ASPIRE-TANF exemption does not negate the fact that an individual is a striker.

When a parent is participating in a strike the entire assistance unit is ineligible.

When an included stepparent is participating in a strike, their needs are removed from the assistance unit. Their assets are not considered. Their income is considered as described in Chapter III.

When an included caretaker other than parents or stepparents is participating in a strike, their needs are removed and their income and assets are not considered.

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COOPERATION IN ESTABLISHING PATERNITY AND OBTAINING
CHILD SUPPORT

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GENERAL RULE: Each applicant or recipient must cooperate with the Department in establishing paternity and must assign to the Department all rights of support on behalf of filing unit members from any legally responsible relative who is absent from the home. This includes any support accrued at the time of the assignment.

As a condition of eligibility, the caretaker relative must forward to the Department any alimony or child support payments received from the non-custodial parent beginning with the effective date of assignment. These payments will not be budgeted.

No assistance will be provided to families who do not assign their rights to support.

NOTE: A separate referral to the Division of Support Enforcement and Recovery (DSER) shall be made on each non-custodial parent.

NOTE: The effective date of assignment is indicated by the Worker on the Notice of Eligibility. The effective date is the first day of the first regular TANF check. Child support minus the first \$50 is budgeted in the retro, when its receipt is anticipated.

The Eligibility Worker must explain to the individual the obligation to assign support and to cooperate with the Department.

Cooperation:

Furthermore, the caretaker relative must cooperate in the following areas:

1. identifying and locating the non-custodial parent
2. establishing paternity

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FS Cross

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: When paternity has not been established, an Affirmation of Paternity must be completed and signed by the child's mother unless good cause exists as described later in this chapter. This document is not proof of paternity. It is merely a claim that someone may be the child's father. The Affirmation which is forwarded to DSER begins the process for determining who is the natural parent.

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ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: The child's eligibility will not change until the affirmation leads to an actual establishment of paternity.

3. obtaining support payments
4. obtaining any other payments.

Sanctions:

If the caretaker relative refuses to cooperate in identifying and locating the non-custodial parent(s) or in the establishment of paternity, without good cause the grant will be reduced by the needs of the individual or 25% of the grant amount, whichever is greater.

Eligibility will then be determined for the remaining filing unit members. In addition, the TANF and PaS payment will be made to a third party. If the Worker is unable to locate an appropriate person to act as payee the TANF and PaS payment will continue in the sanctioned caretaker's name.

The assets of the sanctioned parent will still be considered as well as their income minus the following disregards:

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ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;
2. any actual payments of alimony or child support to persons not living in the home;
3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed by the sanctioned parent as dependents for IRS purposes.

Good Cause

GENERAL RULE: The caretaker relative shall be given the opportunity to claim good cause for refusing to cooperate. This does not include failure to forward support payments.

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ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: Sanctions will not be applied nor benefits withheld while a good cause decision is pending.

Responsibilities of the Eligibility Worker

The worker will inform the applicant/recipient:

1. at the initial interview, of the right to claim good cause at any time;
2. that they must provide evidence of good cause, with assistance from the Worker if necessary;
3. that the decision will be based on evidence supplied and investigation of that evidence;

NOTE: This determination will be made within 45 days from the day the good cause claim was made, except where the case record documents that the Agency needs additional time.

NOTE: Good cause must be reviewed at each redetermination of eligibility.

4. that the findings may be reviewed by DSER and any recommendations considered in the final decision made by the Eligibility Worker. DSER shall be notified and given an opportunity to participate in any hearing;
5. that in case of non-cooperation, DSER may attempt to establish paternity and collect support when it can be done without risk to the family. In this situation the individual shall be given the opportunity to withdraw from the program.

Conditions for Good Cause

1. The child was conceived as a result of incest or rape.
2. Legal proceedings for adoption of the child are pending before a court.

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ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

3. The individual is being assisted by a licensed social service agency to decide whether to place the child for adoption and discussions have not gone on for more than 3 months.
4. The individual or the child is a victim of domestic violence, which includes physical injuries or the psychological effects of abuse, or cooperation could result in physical or emotional harm to the child or other family member.

Evidence to Support Claim of Good Cause

Determination of good cause without further investigation is limited to the following specified documents:

1. Birth certificates, medical or law enforcement records which indicate the child was conceived as a result of incest or forcible rape.
2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court.
3. A written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption.
4. Court, medical, law enforcement, child protective, social services including domestic violence shelter, psychological, and other records which indicate that a putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative.
5. Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

The agency will assist the applicant or recipient in obtaining the required evidence. No contact will be made with the absent parent or putative father until a good cause determination is made.

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ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

The determination of good cause will be made only if the evidence provided by the applicant/recipient and/or the investigation of the agency confirms that to cooperate will be against the best interest of the child or other family member.

The final determination that a claim of good cause is or is not valid will:

1. be in writing,
2. contain the agency's findings and basis of determination,
3. be entered into the TANF or PaS record, and
4. be made within 45 days unless case record documentation indicates that the agency needs additional time because information required to verify the claim cannot be obtained within the time standard or the claimant did not provide corroborative evidence within 20 days from the day in which the claim was made.

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ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS

GENERAL RULE: Each applicant or recipient who is applying for Medicaid coverage must assign to the Department all rights of payment for medical care from any third party. Although determination of Medicaid eligibility is a separate process, a recipient of TANF usually is eligible for Medicaid and should be aware of the TPL requirements.

As a condition of eligibility for medical coverage the caretaker relative must cooperate with Third Party Liability (TPL) in obtaining medical payments. This could include appearing as a witness at a judicial or other hearing.

NOTE: This condition does not effect TANF or PaS money payments.

Cooperation in Obtaining Medical Payments

The caretaker relative must cooperate in the following:

1. report court ordered responsibility of an absent parent to pay medical bills;
2. report medical insurance coverage and any changes in that coverage;
3. report receipt of or potential receipt of Workers' Compensation;
4. report pending lawsuits involving personal injury;
5. relinquish medical payments received directly from a third party to cover services which were paid by Medicaid.

Sanctions

If the caretaker relative refuses to assign rights to medical payments or to cooperate without good cause, eligibility for Medicaid does not exist. However, the caretaker relative will be eligible to receive a TANF or PaS payment. Eligibility for Medicaid for the remaining filing unit members not be withheld.

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ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

Good Cause

GENERAL RULE: The caretaker relative must be given the opportunity to claim good cause for refusing to assign rights to medical payments and for refusing to cooperate.

NOTE: Sanctions will not be applied while a good cause decision is pending.

Responsibility of the Eligibility Worker

The Worker shall inform the applicant/recipient:

1. that they have the right to claim good cause;
2. that they must provide evidence of good cause, with assistance from the worker if necessary;
3. that the decision will be based on evidence supplied and investigation of that evidence;
4. that the findings may be reviewed by DSER and any recommendations considered in the final decision which will be made by the Eligibility Worker;
5. that in case of non-cooperation, DSER may attempt to establish paternity and collect medical support when it can be done without risk to the family. In this situation the individual must be given the opportunity to withdraw from the program.

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ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

Conditions for Good Cause

1. The child was conceived as a result of incest or rape.
2. The legal proceedings for adoption of the child are pending before a court.
3. The individual is being assisted by a licensed social service agency to decide whether to place the child for adoption and discussions have not gone on for more than 3 months.
4. Cooperation could result in physical or emotional harm to the child or other family members.

Evidence to Support Claim of Good Cause

Determination of good cause without further investigation is limited to the following specified items:

1. birth certificates, medical or law enforcement records which indicate the child was conceived as a result of incest or rape;
2. court documents or other records which indicate that legal proceedings for adoption are pending before a court;
3. a written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption;

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ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

4. court, medical, law enforcement, child protective, social services and/or psychological records which indicate that a putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;
5. sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

The agency must assist the applicant or recipient in obtaining the required evidence. No contact will be made with the absent parent or other collateral sources to establish good cause without the client's prior knowledge and consent.

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ASPIRE-TANF

GENERAL RULE: As a condition of eligibility each applicant/recipient who is not exempt must participate in the ASPIRE-TANF Program.

NOTE: The Worker will advise all individuals who are exempt that they have the right to participate on a voluntary basis.

EXEMPTIONS:

1. A recipient who is the only custodial parent or a caretaker relative of a child under one year of age and is personally providing care for that child. This exemption is limited to no more than a total of twelve (12) months per custodial parent or caretaker relative (When a recipient does not elect this exemption, they are mandatory participants in the ASPIRE-TANF Program and subject to work requirements and sanctions. If sanctioned, they can temporarily suspend their sanction by becoming exempt immediately. When the exemption of up to twelve (12) months expires, the sanction will resume until the appropriate requirements for compliance are met.)

EXCEPTION: A parent or caretaker relative under twenty (20) years of age who is a recipient of TANF and has not completed high school or its equivalent must participate in the ASPIRE-TANF program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

2. A recipient who is a child in the assistance unit;
3. A recipient who is a VISTA volunteer under the federal Domestic Volunteer Service Act of 1973; and
4. A parent or caretaker relative whose TANF or PaS eligibility is based on incapacity because the second parent or caretaker relative is an SSI recipient.

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Sanctions: The needs of mandatory individuals who refuse or fail to comply, with the regulations of the ASPIRE-TANF Program, without good cause, will not be included in determining eligibility and payment. If the individual is the caretaker relative, the TANF or PaS payment will be made to a third party. If the worker is unable to locate an appropriate person to act as payee, the TANF or PaS payment will continue in the sanctioned caretaker's name.

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ASPIRE-TANF (cont.)

Both parents are non-exempt:

Each parent has a separate duty and obligation to comply with ASPIRE-TANF, and each can be separately sanctioned for failure to comply when called upon to participate.

NOTE: The second adult is not sanctioned when they meet an exemption criteria.

The income and assets of sanctioned individuals who are not parents or stepparents will be excluded in determining payment.

The assets of sanctioned stepparents are not considered. Their income is counted as described in Chapter III.

The income and assets of sanctioned parents must be considered. The following disregards will be applied to the income:

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;

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ASPIRE-TANF (cont.)

2. any actual payments of alimony or child support to persons not living in the home;
3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed as dependents for IRS purposes.

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Failure to Participate/Sanctions

When the mandatory individual has failed without good cause to participate in or comply with the regulations of the ASPIRE-TANF Program, accept employment, terminated employment or reduced earnings, remove the individual who did not comply from the grant for the following periods:

1. for the first failure to comply, until the failure to comply ceases;
2. for the second failure to comply, until the failure to comply ceases or three (3) months, whichever is longer;
3. for any subsequent failure to comply, until the failure to comply ceases, or six (6) months whichever is longer

EXCEPTION: When a sanctioned individual engages in paid employment of, at least, 30 or more hours and at no less than minimum wage, the sanction will cease even when the three (3) months or six (6) months has not been served fully. If a client later becomes unemployed without good cause, they incur the subsequent sanction.

NOTE: The beginning date of a sanction is the date that the Department issues the notice of adverse action. Benefits do not have to be interrupted for a sanction to become effective.

NOTE: Compliance with ASPIRE must be verified before the sanction is ended.

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ASPIRE-TANF (cont.)

Good Cause

A participant will not be sanctioned if good cause exists for the sanctionable act. It is the responsibility of the participant to demonstrate to ASPIRE-TANF that good cause exists. ASPIRE will decide whether good cause exists based on information provided by the participant and through corroborative sources, if necessary.

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None

ASPIRE-TANF (cont.)

VOLUNTARY PARTICIPANT:

When an exempt individual wants to volunteer for the ASPIRE-TANF Program, the same procedures will be followed, with the exception of non-participation actions. No sanctions will be applied to these individuals.

MUTUAL REPORTING RESPONSIBILITIES:

ASPIRE-TANF will notify Eligibility staff whenever a registrant obtains employment or enters a salaried ASPIRE-TANF component. Upon receipt, the Eligibility Worker will redetermine eligibility based upon the change in circumstances.

REVIEW OF EXEMPTIONS:

Individuals with exempt status will have their exemption reviewed as a part of the regular eligibility redetermination. In addition a change to non-exempt status must be acted upon promptly when information indicates the necessity for a change.